

PROB 12C
(5/00)UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
ENTERED

JUL - 7 2005

**UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF TEXAS**

Michael N. Milby, Clerk of Court

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: DONIVAL RAY TURNER Case Number: 6:02CR00060-001

Name of Sentencing Judge: The Honorable John D. Rainey

Date of Original Sentence: December 16, 2002

Original Offense: Distribution of 19 Grams of Dihydrocodeinone (Hydrocodone)

Original Sentence: 4 Years Probation

Type of Supervision: Probation Supervision Started: December 16, 2002

Assistant U.S. Attorney: Timothy G.E. Hammer Defense Attorney: Mark H. Woerner

EARLIER COURT ACTION

None

PETITIONING THE COURT**TO ISSUE A WARRANT.**

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	Law Violation - Distribution of Dihydrocodeinone (Hydrocodone)
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On or about April 6, 2004, in the Southern District of Texas, Donival Ray Turner, did knowingly and intentionally distribute approximately four (4) grams of dihydrocodeinone (hydrocodone), a Schedule III controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(2), a class D Felony.

Details: On April 6, 2004, at 10:39 a.m., in Fayette County, La Grange, Texas, the Chisholm Trail Narcotics Task Force (CTNTF) received information from a confidential informant (CI) that the defendant was in possession of Vicodin and Zanex which he wanted to sell. The CI under the direction of the CTNTF officers met the defendant at the defendant's place of residence, and purchased seven Vicodin tablets for \$20.

2 Law Violation - Distribution of Alprazolam

On or about April 6, 2004, in the Southern District of Texas, Donival Ray Turner, did knowingly and intentionally distribute approximately .96 of one gram of alprazolam, a Schedule IV controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(2), a class D Felony.

Details: On April 6, 2004, at 12:15 p.m., in Fayette County, La Grange, Texas, a confidential informant (CI) met with the Chisholm Trail Narcotics Task Force (CTNTF) and discussed purchasing Xanax prescription tablets from the defendant. The CI was provided a recording device and \$60. The CI then met with the defendant at the defendant's place of residence and purchased 8 Xanax pills in exchange for the \$60.

3 Law Violation - Distribution of Dihydrocodeinone (Hydrocodone)

On or about April 27, 2004, in the Southern District of Texas, Donival Ray Turner, did knowingly and intentionally distribute approximately 19 grams of dihydrocodeinone (hydrocodone), a Schedule III controlled substance, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D), a class D Felony.

Details: On April 27, 2004, in Fayette County, La Grange, Texas, the Chisholm Trail Narcotics Task Force (CTNTF) received information from a confidential informant (CI) that the defendant would be able to purchase 30 tablets of Vicodin from the defendant. The CI under the direction of the CTNTF officers met the defendant at the defendant's place of residence, and purchased 30 Vicodin tablets for \$80.

On July 22, 2004, the three-count indictment, alleging the aforementioned law violations, was filed in the Southern District of Texas - Victoria Division under Cause No. V-04-00073-001. These charges remain pending as Mr. Turner has not been served with the indictment.

U.S. Probation Officer Recommendation:

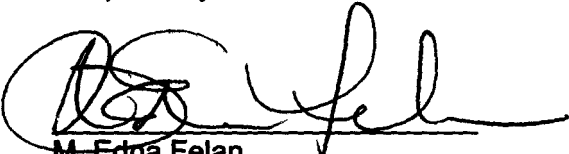
- ☒ The term of supervision should be
 ☒ revoked.
 ☐ extended for years, for a total term of years.
- ☐ The conditions of supervision should be modified:

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Approved:


James C. Martinez, Supervising
U.S. Probation Officer

Respectfully submitted:

by 
M. Edna Felan
U.S. Probation Officer
July 6, 2005

THE COURT ORDERS:

☐ No Action

☒ The Issuance of a Warrant, and a bond of \$ 10,000.⁰⁰ cash/surety with supervision as directed by the Probation Officer as a condition of said bond.

☐ The Issuance of a Summons.

☐ Other _____


John D. Rainey
U.S. District Judge

7/6/05
Date